Neo-Kantianism and Phenomenology

The Case of Emil Lask and Johannes Daubert

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I. *The Historical Background*

Leaving aside certain more or less isolated figures such as Gottlob Frege, Georg Simmel or Johannes Volkelt, it is safe to assume that the philosophical scene in Germany in the years preceding World War I was dominated by two groups of thinkers: Neo-Kantians and phenomenologists. Neo-Kantianism itself comprised two sub-groups, the Marburg school and the Southwest (or Baden) school. It was above all the Marburgers who looked upon themselves as a "school" in the strict sense of the term. Already in 1912 Natorp had used this label in the title of an essay on Kant,[1] and three years later Cohen even dedicated a book "To the Marburg School".[2] The organizing principle which generally characterizes a school – the relation between a teacher and his pupils – determined not only the outlook of the Marburg group, however.[3] It is in some sense even more palpably present among the Southwest Germans, where direct teacher-pupil relations obtained between Windelband and Rickert on the one hand, and also between these two thinkers and the philosopher who is one of the two central figures of our present story, Emil Lask.[4]

[1] *Kant und die Marburger Schule*, Kant-Studien 17 (1912), pp. 193–222. Already in a letter written to Albert Görland on 28 October 1909, Natorp referred to "our 'school'" (Helmut Holzhey, *Cohen und Natorp*, vol. 2: *Der Marburger Neukantianismus in Quellen*, Basel–Stuttgart 1984, p. 376).

[2] *Der Begriff der Religion im System der Philosophie*, Gießen 1915. This book was the last volume to appear in the series *Philosophische Arbeiten* (edited by Cohen and Natorp), which had been founded in 1905 as the publication organ of the Marburg school.

[3] It must be noted that, as Natorp himself stated, he had never been Cohen's "disciple in the proper sense of the term" (letter to Görland of 2 February 1911, published in H. Holzhey, *Cohen und Natorp*, vol. 2, p. 391). It is therefore exaggerated to call him "Cohen's most important pupil" (Thomas E. Willey, *Back to Kant*, Detroit 1978, p. 117). More correct is to say that "there existed a teacher-pupil relation in the broader sense" between these two philosophers (Hans-Ludwig Ollig (ed.), *Neukantianismus*, Stuttgart 1982, p. 401).

[4] Werner Flach in *Erkenntnistheorie und Logik im Neukantianismus* (ed. by Flach together with H. Holzhey), Hildesheim 1980, p. 49. The Baden school, too, had a platform of its own, the journal "Logos", founded in 1910. It should be noted that Husserl was on the editorial board of this journal and also contributed his famous article *Philosophie als strenge Wissenschaft* to its first volume.

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Among phenomenologists, on the other hand, things were quite different. "Phenomenology was not founded" by a single figure: it just "grew".[5] And it grew, properly speaking, out of a book, namely Edmund Husserl's *Logical Investigations* (1900/1901), whose fate and influence was in some respects independent of that of its author. In 1901, Husserl himself was appointed to the University of Göttingen. But his teaching there remained rather ineffective and he did not at first manage to gather around him a substantial number of pupils. From 1902 onwards, however, the *Logical Investigations* themselves began to exert a considerable influence in their own right, especially among the students of the philosopher and psychologist Theodor Lipps in Munich. These students were firmly organized in a society they called the *Psychologische Verein*. Suffice it here to mention among the members of this society Alexander Pfänder, Moritz Geiger and Adolf Reinach.[6] They, together with their friends – among them Husserl and Scheler (the latter also based in Munich) – formed what has become known not so much as a school, but rather as the phenomenological *movement*.[7] Indeed, when the *Yearbook for Philosophy and Phenomenological Research*, an undertaking of Husserl and the Munich group, was founded in 1913, its first volume was preceded by a joint statement declaring explicitly that "it is not a *school* system that the editors share".[8] This state of affairs may be ascribed to the fact that none of the four "Munich" co-editors – Pfänder and Geiger still working in Munich, Reinach having moved to join Husserl in Göttingen, and Scheler now teaching in Berlin – had really been trained under Husserl. Moreover Scheler, who had come to Munich (and to phenomenology) only as a mature philosopher, kept a place apart in this rather loose association. The Munich *Verein* itself, however, showed a remarkable homogeneity both in its approach and in its results. This was due not only to the Lippsian background which they initially shared and to their later joint opposition to Lipps' peculiar teachings in the name of phenomenology, but also to the fact that their phenomenologizing was influenced profoundly by a common source.

For the individual who first introduced phenomenology into Munich, determining its special outlook – and spearheading the opposition to Lipps – was a certain Johannes Daubert (1877–1947), a philosopher who has hitherto played an almost vanishingly insignificant role in the historiography of philosophy. It was he who, in 1902, while still a student, had discovered Husserl's then only recently published *Logical Investigations*, a work which over the next few years he proceeded to force upon his fellow students in Munich, thereby initiating that current in twentieth

[5] Herbert Spiegelberg, *Doing Phenomenology*, The Hague 1975, p. 3.
[6] On Munich phenomenology in general see Herbert Spiegelberg, *The Phenomenological Movement*, The Hague–Boston–London 1982, ch. IV.
[7] On the connotations of this notion see Herbert Spiegelberg, *Movements in Philosophy: Phenomenology and Its Parallels*, Philosophy and Phenomenological Research 43 (1983), pp. 281–297.
[8] Reprinted in *Husserliana* XXV, p. 63.

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century philosophy we know as the phenomenological movement.[9] Daubert played a key role also in mediating between Husserl and the Munich group. It should however be pointed out immediately that Daubert did not publish anything whatsoever throughout his life and did not even manage to complete a planned doctoral dissertation. Notwithstanding this "excess of scrupulosity" (as Husserl called it in a letter to Daubert) he was an acknowledged leader of the Munich circle and was considered – as much by its members as by Husserl himself – the most brilliant member of the group.[10] The influence Daubert exerted upon his friends made itself felt mainly in lectures and in countless discussions in the years from 1902 to the outbreak of war in 1914, when Daubert volunteered for the army.

Though Daubert eschewed publication, his ideas have survived in manuscript form. Some thousand shorthand pages, readable only with difficulty, have been preserved at the Bavarian State Library in Munich.[11] They contain not merely indications of Daubert's own philosophical thought, but reflect also his keen interest in the philosophical developments that were taking place around him. The more a philosopher's work attracted his attention, the more extensively Daubert would excerpt and comment upon it in his manuscripts. This applies of course to Husserl's *Logical Investigations*, a work which he valued particularly for its realism both in ontology and in the theory of cognition.[12] Daubert was indeed opposed to all and every idealist tendency, a characteristic which marks also his attitude to Neo-Kantianism as this developed in the years leading up to World War I.

Of the two principal Marburg Neo-Kantians, the name of Cohen is conspicuously absent from the pages of Daubert's manuscripts, though Daubert did devote much energy to the discussion of Natorp's thought, and especially to the latter's book on Plato.[13] His attention is however caught by the work of the Southwest Neo-Kantians, with whom he shares a preoccupation with problems of logic and the theory of

[9] On the reception of the *Logical Investigations* in Munich see Reinhold Nikolaus Smid, *An Early Interpretation of Husserl's Phenomenology: Johannes Daubert and the Logical Investigations*, Husserl Studies 2 (1985), pp. 267 – 271.

[10] See the testimonies collected in Karl Schuhmann, *Structuring the Phenomenological Field: Reflections on a Daubert Manuscript*, in William Hamrick (ed.), *Phenomenology in Practice and Theory*, Dordrecht – Boston – Lancaster 1985, pp. 3 – 6. To the kindness of Volker Peckhaus, M. A. we owe a further testimony contained in Heinrich Goesch's letter of 31 December 1906 to Leonard Nelson: "Husserl selbst soll Daubert als weiter als er selbst anerkannt haben."

[11] See the classification and description of Daubert's MSS in Eberhard Avé-Lallemant, *Die Nachlässe der Münchener Phänomenologen in der Bayerischen Staatsbibliothek*, Wiesbaden 1975, pp. 125 – 138.

[12] All the more did he oppose Husserl's subsequent turn to idealism. See Karl Schuhmann and Barry Smith, *Against Idealism: Johannes Daubert vs. Husserl's Ideas I*, Review of Metaphysics 38 (1985), pp. 763 – 793.

[13] *Platos Ideenlehre. Eine Einführung in den Idealismus*, Leipzig 1903. After two months of intensive study of this work, Daubert wrote to Husserl: "Taking everything together, I am disappointed by it" (Undated letter, probably January 1906; original at the Husserl Archives in Louvain).

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judgment. It is for this reason that he carefully studied the relevant works of Windelband[14] and Rickert;[15] and it is for this reason, too, that he turned his attention to the publications of Emil Lask. The significance he attributes to Lask is clear from a letter of 30 December 1913 where Daubert speaks about a series of meetings he and Pfänder were to organize under the auspices of the Munich *Verein*: "We plan to give reports and critical reviews of important works (Husserl's *Ideas*, Lask, Natorp, Bergson)."[16] Lask is thus ranked among the most important living philosophers.

Daubert's own reflections upon Lask precede this series of discussions, however. Like Pfänder,[17] he studied Lask's *Logic of Philosophy* (1911) and his *Doctrine of Judgment* (1912) immediately after their publication. Even leaving aside his interest in the subject-matter of these works and his sympathy for their "objectivism", Daubert had specific reasons for making such special efforts. He had, in early 1911, been working once more on the topic of negative judgments and had then worked for more than a year on the phenomenology of questions.[18] Though the booklength study Daubert planned to produce about this theme never appeared, its drafts have survived in a folder entitled *Frage*.[19] The pages of this manuscript show that what Daubert was seeking here was, among other things, an account of the relationship of question and judgment. Thus he welcomed Lask's new publications on judgment as a relevant source for his discussions. To this end he began to make excerpts of

[14] *Beiträge zur Lehre vom negativen Urteil*, in *Straßburger Abhandlungen zur Philosophie* (Festschrift for Eduard Zeller), Freiburg – Tübingen 1884, pp. 165 – 195. Negative judgments were a major theme of Daubert's writings, and this interest triggered off some highly original investigations on the part of Daubert's friend Reinach, who published in 1911 an important article *Zur Theorie des negativen Urteils* (see Adolf Reinach, *On the Theory of Negative Judgment*, in B. Smith (ed.), *Parts and Moments. Studies in Logic and Formal Ontology*, Munich – Vienna 1982, pp. 289 – 377).

[15] *Der Gegenstand der Erkenntnis*, Tübingen – Leipzig 1904 (2nd. ed.).

[16] Letter to E. Voigtländer, in *Daubertiana* B I (see E. Avé-Lallemant, *Die Nachlässe*, p. 136). A corresponding note in Pfänder's posthumous papers (mentioning, among others, Husserl, Bergson, and Natorp, too) opens up with "Lask, Lehre vom Urteil". The title of this note is "Representatives of Important Trends" (*Pfänderiana* A II 1; see Avé-Lallemant, *ibid.*, p. 10). This Pfänder convolute contains also six pages of Pfänder's excerpts from Lask's *Die Lehre vom Urteil*.

[17] Pfänder's excerpts from *Die Lehre vom Urteil* in *Pfänderiana* B VI 4 stem from July and August 1912 (see Avé-Lallemant, *ibid.*, 17).

[18] MS *Daubertiana* A I 2. On Daubert's publication plans in 1911 and 1912 see Karl Schuhmann, *Johannes Dauberts Kritik der 'Theorie des negativen Urteils' von Adolf Reinach*, in Kevin Mulligan (ed.), *Speech Act and Sachverhalt. Reinach and the Foundations of Realist Phenomenology*, Dordrecht – Boston – Lancaster 1987, p. 227 f.

[19] A typewritten transcription of this MS is deposited at the Bavarian State Library in Munich. On the content of MS A I 2, see Karl Schuhmann and Barry Smith, *Questions: An Essay in Daubertian Phenomenology*, Philosophy and Phenomenological Research 47 (1987), pp. 353 – 384, and Karl Schuhmann, *Die Entwicklung der Sprechakttheorie in der Münchener Phänomenologie*, Phänomenologische Forschungen 21 (1988), pp. 133 – 166.

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these works.[20] On the basis of these excerpts he then discussed Lask's own theory of judgment. In addition, he wrote an interesting folio, now in Daubertiana MS A II 1, assessing what he refers to as "Lask's achievement".

In what follows we shall rely on all these (as yet unpublished) manuscripts to show how Daubert reacted, both positively and negatively, to Lask's ideas. It will be seen that he agrees with Lask in defending the thesis that it is necessary that every judgment be related to some transcendent object as the standard or measure of its truth. Both, moreover, are convinced that there is a certain *complexity* inherent in such objects of judgment. Both recognize a role for what might most properly be called a "formal ontology" in the sense that they accept in the realm of objects a dichotomy between material and formal determinations. Daubert departs from Lask, however, in developing a more sophisticated theory of objects in such a way as to overcome the remnants of idealism which are still at work in the Laskian theory.

In order to show how Daubert's theory of judgment interlocks with that of Lask, it will be useful to begin with a brief survey of pertinent elements from Lask's *The Doctrine of Judgment*. This will be followed by an exposition of Daubert's criticism of Lask and of those Laskian ideas which Daubert accepts as valid contributions to the general theory of judgment.

II. *An Outline of Lask's Theory*

Lask's theory of judgment is characterized by a series of dichotomies or (as he prefers to put it) "oppositions". The content or primary object of judgment is what Lask calls a meaning- or sense-formation (*Sinngefüge*), a certain complex of meanings. To judge is to affirm that the elements making up such a complex of meanings do (or in the case of a negative judgment do not) belong together. Taken in themselves, such elements of meaning are mere fragments; they exist and exercise their function only when inserted into larger meaning compounds. This, Lask affirms, sets them apart from Husserl's and Reinach's "states of affairs" which are held by these authors to subsist autonomously (II, 391).[21] But on the other hand, Lask distinguishes them also from the abstract and neutral "matters" or contents of judgment introduced by Husserl in his Fifth Logical Investigation (II, 299 and 313 – 316), for they involve within themselves their own possibilities of combination with other elements. They predelineate the complexes into which they may be made

[20] Daubert's excerpts, together with a couple of pages containing critical reflections upon the work, are contained in the convolute *Daubertiana* A I 16.

[21] References of this type refer to volume and page numbers of Emil Lask, *Gesammelte Schriften*, ed. by Eugen Herrigel, Tübingen 1923. On states of affairs see E. Husserl, *Logische Untersuchungen*, vol. II, Halle a. S. 1901, and A. Reinach, *On the Theory of Negative Judgment*, in *Parts and Moments*, pp. 338 – 341.

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to fit, where Husserl's matters are self-contained units each contributing its own moment to the determination of the judgment's object-directedness.

The sense-fragments implied in the structure of a judgment as conceived by Lask possess already in themselves, i. e. prior to any judging activity, a certain capacity to harmonize with certain elements while excluding others. It is in this, Lask says, that their *Wahrheitswert* consists. This is rather like a capacity or power, flowing from the agreement or disagreement with the transcendent world of things of the larger formations into which the given fragments are inserted. Only if one abstracts from this relatedness of meanings to things – the usual logicians' procedure, according to Lask – does one gain the impression that a judgment deals with a subject and predicate that would be indifferent to each other and to their connection via an equally indifferent copula. The Husserlian doctrine of "matters" of judgment is, Lask holds, the result of an artificial neutralization of just this kind. Lask's meaning-formations are in contrast in every case affected by the context in which the judgment is made, a context of transcendent objects. Even the copula which is, for Lask, the "form" of all judgments, is subject always to a certain "value" in context, which is precisely its specific conformity or non-conformity with the transcendent world of things. The copula is in this sense pregnant with contextual meaning; it is not something abstract or neutral.

The notions of subject and predicate are redefined from the Laskian perspective. From an empirical point of view, be it a grammatical or a psychological one, the subject is the element uttered first, it is the starting-point of cognition; the predicate is that which is *said of* the subject. For Lask, in contrast, the subject is to be understood as the totality of all elements or matters involved in a judgment; the predicate, on the other hand, is the logical form applied to these matters. Such a logical form is a *category* (II, 333). Thus in a judgment like "a is the cause of b" we have the grammatical subject "a" and the grammatical predicate "cause of b". But the logical subject of this statement is made up of the matters a and b, and the true predicate, united to the subject by the copula, consists in a's and b's being conceived under the category of causation. The canonical formulation of this judgment would therefore be "a and b are causally related" or "a and b (taken together) instantiate the category 'causal relation'" (cf. II, 338).

The materials entering into such a categorial formation are almost never logically "naked": in the given example a and b will amost certainly be understood to be "things", i. e. as having previously been formed by the category of thinghood (in what Lask refers to as an "original conception" or *Urbegriff*). The category of causality does not, however, presuppose the category of thinghood. Indeed, each category is applied to a given matter in a judgment *directly*, independently of any other category. An original form and a new one aim at the same matter "without caring about the rival category" (II, 342). Otherwise predications would be regulated exclusively by logical relations of agreement and disagreement between forms, while in fact the decisive factor in making a judgment and in establishing its legitimacy is our *experience* of the relevant matter, of the thing the judgment is about.

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Both the form and the matter of those meaning-complexes which are the primary objects of judgment is responsible for the fact that judgments either stand in conformity with or run counter to the truth. The two mutually "displaceable" elements of form and matter (cf. II, 362) must be appropriately adjusted to each other if a true judgment is to be obtained. The measure or standard determining truth is the thing itself, an entity transcendent to any judgment about it. Things, therefore, must themselves contain elements corresponding to both the form and the matter of the judgmental sense. Certainly things as such cannot be said to be "true". Rather, the two elements exist within the thing in such intimate union that according to Lask all duality and opposition is excluded. Things, then, are unities of "pre-formal non-sensuousness and of pre-material something" (*das vorformale Unsinnliche und das vormateriale Etwas*: II, 367). The presence of these two types of elements does not however mean that things are somehow in themselves relations between a material and a formal or categorial pole. They are rather a case of matter-in-a-form, and they display their dual aspect only in the onlooker's eye. Duality is therefore in a certain sense written onto the thing by us, and this is a first smattering of idealism in Lask for it means that the region of unitary things as they exist in themselves remains inaccessible to cognition in the full sense of judgment. This region reveals itself only in sense impressions or in other types of pre-judgmental experience.

To experience something is, according to the general Neo-Kantian tenet, not equivalent to cognizing it. The thing that can be experienced is in and of itself an oppositionless or "transoppositional" unity. It can function as the measure or yardstick of cognition. But because cognition itself amounts to a sort of dismembering activity, it takes us away from the thing and leaves us with mere splinters of meaning. Cognition, taken in itself, is for this reason not about or of the thing as such. It relates rather to certain compounds of meaning to which the process of judging gives rise. Moreover, the fragmentation hereby involved is inevitable if cognition is to take place at all. Mere experience, while it brings us into direct contact with the object, is at the same time a kind of fundamental ignorance about the transcendent world (II, 418), an ignorance which can be overcome by acts of judging only. For a subject who has moved beyond being "merely the stage on which the transcendent object does its turn" (II, 415), the attitude of sheer receptivity is never again recoverable. It is paradise lost. In the period after "cognition's fall" (II, 426), it is necessary to move on to the secondary level of subjective activity which unfolds itself in various fields, among which are art, science and the whole of culture.

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III. *Daubert's Criticisms*[22]

Lask's theory falls into two parts. On the one hand it deals with the various aspects of judgment and of the judgmental sense-complexes. Here we have the field of opposition, of cognitive activity and of all other "non-objectual" factors like meaning, subject and predicate. On the other hand are the oppositionless things which function as the transcendent measure of this cognitive activity. These are reflected in our judgments, but they do not enter into them as the judgment's parts or moments. Lask's world is thus split into a realm of original, archetypical, unitary things in themselves, and a second realm, consisting of the changing representations of these original archetypes in a subjective medium which is intrinsically hostile thereto. Cognition is a kind of cultivation which works upon a virgin soil, shaping and arranging its materials.

Especially in the *Doctrine of Judgment*, Lask insists so rigidly on the irreducible gap separating judgment and all pre-judgmental ways of relating to things in perception and experience, that he loses sight of the fact that it is one and the same subject and correspondingly one and the same object which is involved in both. Yet clearly if the thing in its oppositionless unity were not itself given to the subject, it could not be cleaved up into separate splinters for the sake of judgment. Lask's focus on judgment in this work, notwithstanding the brilliance of his description of cognition, bereaves him even of a term for designating the subject's experiential relation to the world. While in the earlier *Logic of Philosophy* he still spoke of impression, experience, sensation or perception (II, 84) – terms we have borrowed from this work in our summary of the *Doctrine of Judgment* above – such notions are virtually absent from the later work.[23]

Phenomenology, in contrast, looks precisely at the various ways in which the subject is related to the things given to it and at the relations which obtain between those ways of confronting the world. In its project of uncovering the relations of foundation which hold between acts of different types, it is perception, above all, which supplies the primordial layer on the basis of which judgments, etc., are built up.[24] Such a doctrine of perception, and of objects perceived, is missing in the work of Lask, who subsumes all objects of experience under the one common denominator

[22] Quotes from Daubert's MSS will be given in translation. References to MS A I 2 will indicate folio numbers with recto or verso marking (present in the originals as well as in the transcription). MSS A I 16 and A II 1, however, can be referred to only summarily, as these manuscripts have not yet been paginated and transcribed.

[23] Lask mentions experience in *Die Lehre vom Urteil* only perfunctorily, e. g., when pointing out that: "If one is to compare the set of original concepts with what is given in *merely impressional sensuous experience*, it manifests itself as the result of theoretical functions of predication" (II, 341 f., the italics are ours).

[24] See, e. g., Husserl's programmatic title *Experience and Judgment*, or Merleau-Ponty's *Phenomenology of Perception*, which was to be followed by a work on "The Origin of Truth".

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of "matter" or "materials", oblivious of the structural differences obtaining between them. He concedes, it is true, that each matter must always stand in some categorial form. But this global notion of categoriality tends to obfuscate the differences between, on the one hand, forms given in perception and making up the structures of transcendent things, and, on the other hand, the specific formations introduced by acts of judging. As Daubert points out: "There exists a considerable difference between a) acts which give something that is out there, b) acts which shape or determine it (that is what Lask is on), and c) acts which, starting from a given base, aim at something different. The latter are the specific thought formations. In Lask's theory of cognition, they are confounded with b)."[25] With this, Daubert alludes to Lask's attempt to reduce judgments of the type "a is the cause of b", where an "a" is shaped in a determinate way by a predicate ("is the cause of b"), to judgments of the form "a and b instantiate causality", where the thought-form "causality" has come to be targeted independently.

Lask is correct in stating that even in primitive acts of experience "raw" materials are never to be found. From this, however, it does not follow that all matter would be given in categories which are *logical* in the sense that they derive from the sphere of judgment as normally conceived. The Laskian "panarchy of the logos" does not obtain, and for the same reason also Lask's notion of an undifferentiated matter is criticized by Daubert: it is as metaphysical as is Aristotle's "first matter": neither are given in experience. Experience is, rather, confronted by forms and functions that differ from the purely logical ones. Or, as Daubert puts it, "logical forms and cognitive functions themselves are not structural forms of things".[26] And indeed vice versa: perceptual structures may not be mixed up with judgmental ones. "Lask confuses all categories. Already causal relation, ground and consequent, motivation etc. do not according to their sense apply to materials, but rather to certain objects or concepts. One has to separate strictly the categories of relation and substance from the noetic categories. It is only the latter which Lask has in mind."[27]

This distinction – familiar from Husserl's *Logical Investigations* I, § 67 – between the structures of things and the structures of thoughts entails three main consequences. First, it leads to a new view of the relation between judgment and cognition. In Lask, these two concepts are used as synonyms. From Daubert's phenomenological standpoint, however, judgment becomes one type of cognition alongside others, including perception. Lask is able to hold the view he holds, Daubert argues, only because "he completely misunderstands what thought and cognition are like". For processes of cognition, of establishing meaning, take place already at the stage of sensory perception (as the Gestalt psychologists also saw);

[25] A I 2/67 r.

[26] A I 2/67 v. Alluding to Lask's notion of a panarchic *logos*, Daubert continues: "Lask intends to distinguish these, but he himself gets caught in their communal dogmatic *logos*." Form in Lask is indeed a univocal concept.

[27] Page in A I 16.

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they are not restricted to the domain of judgment. Lask, that is, does not take into account the peculiar types of unity and structure of the thing perceived, i. e. as unfolded through perception, types of unity and structure which are brought about by "going from something *already* meaningful to something meaningful, thus achieving the thing's determination."[28]

Secondly, judgments are to be liberated from the constraint imposed upon them by Lask of exclusively picturing existing objects or real things. Judgments may indeed enjoy the function of being about such things, but, Daubert insists, may serve other purposes as well. "Judgments need not be cognitions of existence (by way of apperception), they can function also as declarations, elucidations of certain aspects, they may pursue, take to pieces or determine events" – in short, they may express our way of focusing on things, of heeding events, of awarding value etc. Judgments, that is, are mostly wrapped up in complexes of psychic processes which establish their function, bring them about, and determine the interest we vest in them.

"In this", Daubert continues, "they are analogous to questions".[29] Indeed the third consequence of distinguishing between structures of things and structures of thoughts concerns the fact that there are complexes of thought which, though clearly directed towards the things, surely do not picture any transcendent unities of categories and their materials, i. e. "things" in the Laskian sense. That this is the case in regard to questions is clear. A question is necessarily *of* something, but it does not mirror the existence of the thing in question – otherwise it would not be a question at all. But in the realm of judgments, too, there exist related phenomena, and even if one were to concede that judgments are characteristically employed to picture how things stand, they clearly have other uses as well, to the extent that many judgments will fit only with difficulty into the Laskian scheme.

This applies in the first place to the negative judgment.[30] Though the last section of *The Doctrine of Judgment* deals explicitly with affirmation and negation (II, 426 ff.), Lask is in fact uneasy about how to explain negation within his own accepted framework. His difficulties here flow from his view that "affirmation alone stands in the most immediate service of the final goal" of judgment, "which is to come to grips with the object" (II, 438). There is, no doubt, a grain of truth in this. But cannot negation, too, serve in coming to grips with the object, for example by providing the foundation for higher order affirmative judgments? Hence must it not possess a type of solidity and closure of its own, and must it not in this respect be placed on an equal footing with the positive judgment? Daubert's younger

[28] *Ibid.*

[29] *Ibid.* The analogy Daubert has in mind concerns the fact that questions, too, need not be exclusively about what a thing *is*. They may also serve the purpose of ensuring that one has understood what someone has said; they may ask for permission and so on.

[30] Recall, again, that at the time of his study of Lask's *Die Lehre vom Urteil* Daubert was occupied mainly by investigations concerning negative judgments and the phenomenology of questions.

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friend Adolf Reinach had argued in this light that both positive and negative judgments must relate equally to corresponding states of affairs. Positive as well as negative states of affairs may, among other things, stand in relations of ground and consequent.[31] Bringing this doctrine to bear on Lask, Daubert asks: "In which sense may an intention go beyond the given negative state of affairs? In cases like 'It is a fact that S is not P' or 'That S is not P founds the assumption that ...' or '... is the ground for ...' etc., the intention never penetrates all the forms and never reaches the sheer materials as such, but still it goes towards that which is grasped as being the case."[32] Negative judgments, when used as the base of other judgments, are of themselves a sufficient foundation for any assertion to build upon them; it is of no avail to try to reduce them to supposedly more fundamental positive judgments in order to make these in turn serve as final foundation.

Another group of judgments which do not fit into the Laskian scheme are those which contain "non-attributive predicates" in the sense of the Brentanist Anton Marty. Marty had divided all predicates into three groups. Next to "real" or attributive predicates which express a property pertaining to the subject ("snow is white"), there exist non-attributive ones: those which cancel or abolish their subject ("summer is over": a non-real predicate in Marty's sense), and those which do not determine their subject at all. Predicates of this last type (undetermined predicates, as Marty calls them) do not impart any information, but rather express the judger's attitude towards the subject ("God's existence is highly plausible").[33] Daubert, who follows Marty on this point, applies these distinctions to Lask's homogenized conception of the judgment as something in every case centered on the existing thing and "forming" its material: "There are certain utterances in the sense of which no formation of given materials is implied, e. g. 'The *Kaiser* has dissolved parliament.'[34] 'I didn't like the lecture.' 'In my view this painting is beautiful.'[35] ... The only thing Lask has in mind is cognition of existing things, and for this he has to introduce substitutes for judgments of the types just mentioned. A judgment for Lask is, properly speaking, always and exclusively an answer to the question: What is the thing like?"[36] This question applies, however, only in the case of "real" predicates. Within Lask's framework, non-real and undetermined predications (like "the performance is cancelled" and "this painting is to be rated highly") cannot be explained.

[31] *On the Theory of Negative Judgment*, in *Parts and Moments*, pp. 338 f.
[32] A I 2/11 r.
[33] Anton Marty, *Über subjektlose Sätze und das Verhältnis der Grammatik zur Logik und Psychologie. V. Artikel*, Vierteljahrsschrift für wissenschaftliche Philosophie 18 (1896), pp. 19 – 87.
[34] A somewhat loosely formulated example of a sentence containing a non-real predicate, i. e. a predicate cancelling its subject (the precise formulation would be "Parliament has been dissolved by the *Kaiser*").
[35] Two examples of undetermined predicates.
[36] Page in A I 16.

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Lask's untenable claim that all judgments must be understood in terms of existing objects flows from his conviction that any other explanation would miss the intrinsic directedness of judgments towards things. They would allow an accidental grammatical or psychological dressing to supplant what he sees as the judgment's *logical* structure.[37] To confound the judgment's grammatical and psychological aspects with its underlying logical structure would, Lask believes, lead to a relapse into psychologism. Indeed, in the first volume of his *Logical Investigations* of 1900, Husserl had shown that relying on empirical psychic acts as a means of producing a theory of logical structures is intrinsically contradictory. Like many of his contemporaries, Lask had absorbed Husserl's message without reservation (II, 37 n. and 425). But – and in this, too, Lask unfortunately followed most of his contemporaries – he did not see that Husserl's anti-psychologism did not entail a ban on *all* talk of acts. Thus Lask, unlike Daubert, did not take the trouble to think through the specifically phenomenological analyses of the second volume of Husserl's work (published only in 1901), with their recourse to the essential structures of acts, their account of the relation between acts and logical meanings and their account of the sense in which a judgment may be said to be true or false.

Daubert criticizes time and again the absence in Lask of any descriptive account of the essential features of the acts involved in judging which would serve to support and to instantiate the meaning-formations which judgments contain. It is this which explains why Lask did not see that acts in which predicates (be they categorial forms) are bestowed upon subjects, differ essentially – and not only psychologically – from acts in which we are directed towards the "original concepts" of the things themselves. Thus Daubert states: "The predication taking place in the utterance is said by Lask to differ from the one contained in the 'original concept' only psychologically and grammatically. But how this is possible, and what the psychological and grammatical is like, is left in the dark by Lask."[38] In a comparable way he also criticizes Lask's idea that it is the relevant overarching category which would serve as predicate in every judgment: "The category is said to be the true predicate. But where, according to Lask, should its linguistic expression come from, which is said to be wholly different from the category? Has the expression merely a psychological and grammatical cause? But this is impossible because of its *meaning*."[39] What, in other words, can be the basis of Lask's view, if there is nothing to support it in our experience of acts of judgment themselves? For surely it must be these very acts themselves which, via the meanings they contain (which are surely nothing empirical or psychological), give us access to the realm of

[37] Lask's view on the relation between judgments and existing things was apparently influenced by Brentano's doctrine of the reducibility of all statements to existential judgments (see Brentano's *Psychologie vom empirischen Standpunkte*, Leipzig 1874, Bk. II, ch. 7, § 7).

[38] Page in A I 16. The reference is to II, 341 f.

[39] Page in A I 16 (the italics are ours). The reference is to II, 333.

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ideality.[40] Daubert summarizes his various criticisms as follows: "Lask gets caught up in his wrong determination of the relation between subject and predicate. It is, however, enough to uncover the structure of the acts of thought and to elucidate their logical essence as well as the way in which they really function in order to avoid psychologism – which is for Lask such a handy waste-paper basket."[41]

Lask's neglect of an analysis of the acts in which objects are given leads him finally – and this is probably Daubert's most far-reaching criticism – to an erroneous identification of the things as they manifest themselves in cognition, with the things as they appear in other acts. This explains, for example, Lask's peculiar talk of things as "values" or "validities". While usually not distinguishing between these two terms,[42] Lask sketches at one point the view that the real thing, taken as such, should be called a validity, whereas it becomes a value as soon as it becomes the authoritative standard of our cognition. "Validity then appears as that which deserves acceptance, i. e. as value" (II, 388).

Daubert is aware of the fact that this view is derived from certain Brentanian doctrines – doctrines which he himself shares. Brentano had divided psychic acts into three classes, presentations, judgments, and "phenomena of interest".[43] While the relation of acts of presentation to their objects is always of one kind, both judging acts and volitive or emotive acts admit of a certain duality: they are always either positive or negative. A judgment either accepts or rejects something, and a willing or feeling is either attracted or repelled by something, i. e. the given thing appears as having either *value* or *disvalue*. The notions of acceptance and of value therefore function only within a field of bipolar opposition. This implies, however, that they cannot do the job Lask imposes on them, which is to express oppositionless things together with our (presentation-like) uniform relation to them. Lask's thesis, Daubert writes, "could be proved only by starting from the essence of objectivity itself. But to a value there pertains, it seems, its opposite, and it is just this which is said not to obtain here. The fact that our cognition is directed towards things existing in themselves and that these things moreover are decisive whenever we entertain an intention of accepting them, does not belong to the objects themselves as one of their peculiar features."[44] To a thing, taken as a "value" to be accepted,

[40] Daubert hereby supports the doctrine of meaning (worked out by Husserl in his *Logical Investigations*), according to which meanings are ideal species that are instantiated in individual acts of meaning.

[41] A I 2/67 v.

[42] Already Lask's teachers Rickert and Windelband had equated validity (*Gelten*) with value (*Wert*). Lask avoids the latent psychologism of this peculiar use by either equating both with the meaning or sense of judgments or (the procedure he adopts here) with the real thing in its relation to acts of judging.

[43] See Brentano, *Psychologie*, Bk. II, ch. 6, § 3.

[44] Page in A I 16. Lask is of course aware of the fact that generally "the moment of validity and value is tied to the moment of opposition" (II, 294), and he explicitly tries to subvert this Brentanian doctrine. But the question is precisely how successful he is in doing so. His deductive argument for transoppositional values (II, 386 f.) seems at any rate to be somewhat verbalistic.

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there must correspond the subject's intention, e. g., of having some cognitive defect rectified by it. Things show up as values only with respect to certain attitudes and "interests" (to use once more Brentano's term).

IV. *Daubert's Assessment of Lask's Doctrines*

In addition to the things themselves and judgments are the subjective acts from which these judgments spring. Thus we have a threefold structure which must be explored if we are to get a clear understanding of the judgment. A doctrine of judgment must take stock of judgments not only in themselves (as meaning or propositional content), but also in their relations to acts on the one hand and to objects on the other. In Daubert's opinion, Lask had made some substantial contributions to all three domains, but he had failed to make all the necessary distinctions. More specifically he runs together (in a way reminiscent of Brentano, by the way) the content and the object of judgment. All this provoked, as we have seen, Daubert's criticisms. But it also motivated him to integrate a number of Laskian ideas into a more comprehensive pattern of his own.

In his manuscript on "Lask's achievement", Daubert praises Lask first of all for his fine analysis of the structure of the judgment. "He has a clear grasp of the typical logical relation of harmony and disharmony (as compared with relations concerning the objective content)."[45] This refers to Lask's doctrine that a correct judgment links fragments of sense in a way materially prefigured in these elements themselves. Thus the relations between them cannot be reduced to logical ones (of non-contradiction, contradiction, and so on). From the phenomenological perspective accepted by Daubert however the relations structuring real things differ radically from those obtaining between fragments of sense. As Husserl points out in the *Logical Investigations*, a simple object is not composed of parts, where the notion "simple object" consists of the two ideas of simplicity and object.[46] It is the generalization of this insight to all objects which explains why unlimited numbers of judgmental relations are possible with regard to one and the same thing. The thing may for example serve as the subject of predication, when one of its "real" properties is predicated of it ("these trees are green"). But one can also take the thing-with-its-properties to be the subject, and predicate something of that ("green trees are not always green"), or build another predicate upon the whole structure ("green trees are beautiful"), and so on.[47]

Such remarks may seem trivial. Their importance will however become clear if one takes into account the special sorts of "objects" judgments are used to refer to. Because of the just-mentioned flexibility of judgments concerning one and the same

[45] Page in A II 1.
[46] IV. Logical Investigation, § 2.
[47] Cf. A I 2/57 v. See, again, Marty's doctrine of predicates in his *Subjektlose Sätze V.*

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thing, a judgment's direct point of reference cannot be the self-same thing that we perceive to exist out there. This is why Lask saw the primary object of judgment as a complex of the "senses" which result from the way a cognizing subject shapes the things. It is without doubt "Lask's achievement" to have shown that "the decomposition into subject and predicate which is essential to cognition is not something that can simply be taken over from the region of objects".[48] Such decomposition results only from some intervention from outside; it is due to the subject's activity. Lask is correct also in affirming that the formations thus brought about, the "senses" resulting from such intervention, have "value" independently of our shaping activity according as they conform or stand contrary to the truth. This allows him to conceive his "complexes of senses" as related to things, even though at the same time he denies that they are reducible to things without further ado.

All this is however not enough to support the idealist conclusions Lask feels authorized to draw. Lask objects to the phenomenological notion of states of affairs as the objective correlates of judgments, because they are entities which would be floating in the air, neither things nor meanings nor complexes of either. According to Daubert, however, this objection of having introduced some new "world of ideas", separate from individual things, is to be directed precisely against Lask himself. "To me it is a mystery", Daubert writes, "what this relation between the thing and the 'sense' of things is like."[49] He builds hereby upon his criticism that Lask had failed to explore the relation between perception and judgment, affirming that he did not investigate, either, the relation between their respective objectual correlates. Lask is no doubt correct in affirming the distinctness of these correlates – on this issue Daubert agrees with him. But Lask is incorrect in supposing that this sanctions the near-complete severance of the ties linking judgment-correlates to things in such a way as to make them inhabit two entirely different worlds. Like all the phenomenologists (and contrary to Brentano, whom Lask seems to follow on this issue), Daubert is convinced that *things* cannot be judged. This is something which holds of states of affairs alone. But one has to go beyond Lask by showing that such states of affairs are precisely the intelligible ways in which things display and unfold themselves before the cognizing acts of an empirical subject.

It is the cognitive act which throws objects into relief in a variety of ways according to whether our interest centers on one aspect of the thing or another. Different *Sachverhalte* arise in reflection of the different foci of our attention and of our judging interest. "The way the sense of a judgment carves out a structure always results from the requirements of cognition."[50] It is one more "achievement of Lask" to have pointed to the fact that the objectual correlate of the judgment is

[48] Page in A II 1.
[49] Page in A I 16.
[50] *Ibid.* This view goes back to § 5 of the VI. Logical Investigation, where Husserl had stated that perception, while determining the meaning of our judgments about objects we perceive, does not in fact contain the meanings of these judgments.

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"determined by how it is conceived".[51] Lask's failure, however, was to give an inadequate account of this objectual correlate.

The different segments carved out of the world by our varying interests have one basic feature in common: they all in some sense refer to this world as a single unitary background. According to Daubert, Lask's most important achievement lies in this, that he has become clear "about the fact that in all positive and negative judgments there prevails an intrinsic relatedness to something beyond all oppositions, something that is the 'value' and yardstick of decision without however itself being pictured in the judgment". It is indeed some state of affairs *involving* things which – as Wittgenstein was to repeat in the *Tractatus* – is "pictured" in a judgment; but the very thing as it is in itself is not so pictured. A thing and the state of affairs in which it is wrapped up are, to be sure, "not differing regions of independent existence; but the thing projects itself (*hineinragen*) into the *Sachverhalt* as that which is its very measure and standard".[52]

In Lask there is no specific doctrine of perception, and still less is there any attempt to describe the ways in which judgments are founded on perception. To this there corresponds his failure to show how judgment-senses are founded upon and related to oppositionless things. But the sharp dividing line he draws between things and what he calls the primary objects of judgment (the "complexes of sense") makes all the more urgent the task of investigating the links connecting these two realms. This, at least, is the lesson Daubert draws from his reading of Lask.

[51] Page in A II 1.
[52] *Ibid. Hineinragen* is a term Daubert adopts from Lask (II, 377).

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